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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/709,559 | 05/13/2004 | Siegfried Fricker | A92032 | 3558 |
| 30008 | 7590 | 07/14/2005 | | |
| GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY | | | | |
| EXAMINER VANAMAN, FRANK BENNETT | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3618 | | | | |

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,559

Applicant(s)

FRICKER, SIEGFRIED

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 16, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 5, 8-12, 18, 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Status of Application

1. Applicant's amendment, filed April 21, 2005, has been entered in the application. Claims 1-21 are pending, claim 22 having been canceled.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-4 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (US 6,502,656, cited previously). Weiss et al teach a carrier for carrying a container (13) including a chassis which includes a motor (40) and battery (50) which supplies energy for the motor, both located inside the chassis; at least three wheels (20a, 20b, 20c, etc.) including both front and rear wheels, wherein some wheels may optionally be driven or not driven, and capable of a free-wheeling operation of not driven, a handle (24, 70) mounted on handle bars (e.g., 72, 74), which may be positioned in a plurality of functional positions, the bottom chassis face being generally parallel to the surface on which the wheels rest in a usage state; all wheels being connected with half-shafts (42a, 42b) and wherein the connection may be positive or non-positive (col. 5, line 34), and wherein the chassis has a securing means (see figure 4) for accommodating the wheels in a flat-lying orientation in a non-use configuration.

The reference to Weiss et al. fails to specifically teach the motor and battery being located within respective housings. To provide a housing for a motor and a housing for a battery is well known in the electromechanical arts, and it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the motor and battery taught by Weiss et al. in respective housings to protect them from damage and to separate them from the contents of the container.

As regards claim 2, the reference to Weiss et al. fails to specifically teach the chassis width to match a wheel diameter, and the length to match twice a wheel diameter, however it is not beyond the skill of the ordinary practitioner to adjust the size and dimensions of (a) the chassis or (b) the wheels, for example in order to construct a more compact chassis having a width which matches a wheel diameter and a length which matches two wheel diameters, for the purpose of allowing a more compact

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configuration. As regards claims 3 and 4, while the reference to Weiss et al. does not specifically teach the wheels as having half-shafts which engage receptacles (in this case Weiss et al.'s wheels have receptacles which are engaged by half-shafts), it would have been obvious to one of ordinary skill in the art at the time of the invention to reverse the wheel and shaft arrangement, providing the shaft on the wheels, wherein the shaft engages a chassis-borne receptacle, for the purpose of providing a more compact arrangement when the wheels are removed from the carrier, so that shaft ends do not protrude from the sides of the carrier, for example.

The reference to Weiss et al. fails to teach the chassis as being made from bent sheet metal parts and secured by riveting. Sheet metal is old and well known as a lightweight and strong construction material, and as such it would have been obvious to one of ordinary skill in the art at the time of the invention to make the chassis portions form sheet metal so as to form those portions from a lightweight yet strong material to facilitate ease of transportation. As regards the use of rivets, such fasteners are notoriously old and well known, and it would be deemed an obvious choice to use rivets (as opposed to pins or bolts, for example) in order to reduce manufacturing costs.

4. Claims 6, 7, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. in view of Reimers et al. (US 5,899,284, cited previously). The reference to Weiss et al. is discussed above and fails to teach a handlebar which is pivotally supported on the chassis, being securable with a screw which may be pivoted "out of an area of" the handlebar, the handle bar including upper, lower and intermediate sections, the intermediate member arranged laterally, matching a half-shaft diameter, and allowing the handlebar portions to be positioned in defined relative positions. Reimers et al. teach a handle arrangement for a powered carriage, wherein upper (54, 36) and lower (34, 20) handle bar portions are pivotally supported (42, 42a, 42b) on a chassis by a screw (48) which may be pivoted out of an area of a handle (56), further including an intermediate section (46, 46a, 46b) extending in a lateral direction, having a smaller dimension which matches a shaft diameter (e.g., size of shaft 46) and having a width which spaces the handle portions apart (see figure 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to

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provide the carriage handle taught by Weiss et al. with a pivotal structure as set forth by Reimers et al. for the purpose of allowing the handle to be positioned both at varying heights above the chassis, but also at varying distances longitudinally away therefrom. While the reference to Reimers et al. fails to specifically teach the width of the intermediate member as being matched with a receptacle dimension, it is old and well known to adjust the relative dimensions of handles and connecting elements, and would not be deemed to be beyond the skill of the ordinary practitioner to adjust the width of the intermediate member to match the receptacle diameter, for example, to allow the use of the same stock material for the connector and receptacle.

Allowable Subject Matter

5. Claims 13-15 are allowed.
6. Claims 5, 8-12 and 18 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Comments

7. Applicant's comments, filed with the amendment, have been carefully considered. As regards the prior art previously applied (e.g., the references to Wallen and MacDougall), the examiner agrees that these references no longer teach the material as currently set forth in the now-amended claims. In view of the amendment, note the reference to Weiss et al., cited previously, and now applied against certain claims, either singly or in combination with Reimers et al.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

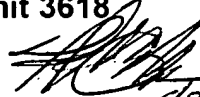
A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326
After Final Amendments: 703-872-9327
Customer Service Communications: 703-872-9325

F. VANAMAN
Primary Examiner
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6/27/05